United Nations A/HRC/31/NGO/94

General Assembly

Distr.: General
19 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Nazra for Feminist Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-02496(E)

Please recycle

Continued Targeting of Women Human Rights and Defenders and Epidemic of Sexual Violence in Egypt's Public Space

Women Human Rights Defenders (WHRDs) and feminists in Egypt are paying a hefty price for their activism and defense of various rights. While some continue their imprisonment for charges connected with breach of the infamous Protest and Public Assembly Law (No. 107 of the Year 2013), while others face travel bans that they learn about by coincidence.

Tactics to punish WHRDs include the issuance of travel bans, such as that issued against prominent WHRD Esraa Abdel Fattah on 13 January 2015 (Case No. 25465 of 69 Judicial Year), who did not know she had a travel ban issued against her, and found out about it by coincidence when she was in the airport traveling to Germany. Moreover, the Administrative Court issued a verdict on 16 June 2015 confirming her travel ban, and a petition to cancel the travel ban was rejected by court on 7 December 2015.

Another example of the increasing verdicts against WHRDs is the one issued on the 9th of February, 2015 for Case No. 6868 for the year 2013, by El-Raml Misdemeanor Court in Alexandria governorate against WHRD and Lawyer Mahienour El-Massry along with other 9 activists from Alexandria for 2 years imprisonment. On 31 May 2015, the El-Raml Misdemeanor Court issued a verdict of imprisonment for Mahienour El-Massry and 2 other activists for one year and 3 months, and she is currently detained in Damanhour Women's Prison, as a second demurer was rejected on 27 December 2015.

An important case is that of "Belady Foundation" (case 4252/2014/felonies) which includes Aya Hegazy and Amira Farag, who have been in detention for 22 months, which dates back to the raid conducted on the premises of the foundation on 1 May 2014. This case is an example of the clampdown on civil society organizations, and the next court session is scheduled for 17 February 2016.

Another case is that of WHRD and Journalist Rasha Azab who attended an investigation on Tuesday 13 October 2015, which was conducted at the Northern Cairo Prosecution District, as she was questioned in the case No. 6464 Qasr El-Nile Felonies, known as the Journalists' Syndicate Press Conference that took place on 12 June 2014. Prominent WHRD Ms. Rasha Azab is being faced with a total of 7 charges, along with Mr. Khaled El-Balshy, board member of the Journalists' Syndicate and the Head of its Freedoms Committee.

The 4th Anniversary of Mohamed Mahmoud Clashes is another case where on the on the 27th of January 2016, the Abdeen Misdemeanor Court confirmed the verdict of WHRD Gameela Ahmed Sareyy- ElDin and 4 activists of two years in prison without bail for protesting without a permit, illegal assembly, obstructing traffic and disrupting public peace.

A case that exemplifies security harassment of academics is that of WHRD and academic Kholoud Saber, where Cairo University issued a decision to terminate Kholoud Saber's scholarship abroad and an order for her return to Egypt. Kholoud is an Assistant Lecturer in the Faculty of Humanities, and is pursuing a doctorate at the Catholic University of Leuven in Belgium. Kholoud Saber is also known for her extensive activism on the issue of sexual violence in the public space, and received the Roger N. Baldwin Medal of Liberty from Human Rights First.

In addition, a lifetime imprisonment verdict and a fine of 17 Million Egyptian Pounds (USD 2,229,215.84) was issued on February 4, 2015 in the case known as the Ministerial Cabinet Case (Case No. 8629 for the Year 2011) by the Sayeda Zeinab Felonies Court. The case includes 2 WHRDs who are still detained since March 3, 2015, namely Shaimaa Ahmed Saad and Abeer Saeed Mohamed Mostafa. They are currently at Qanater Women's Prison and their next court session is rescheduled for 15 February 2016.

Sexual violence against women in the public space continues to remain a grave problem. A national strategy to combat violence against women has been announced and published on May 7, 2015, yet, we emphasize the importance of monitoring its implementation. Moreover, the lack of the differentiation between state and non-state actors in the

concerned strategy, in addition to the lack of differentiation between violence against women in the private sphere and public one is one of the main issues that need to be addressed in the concerned strategy. Meanwhile, articles relating to crimes of rape, sexual assault and harassment in the Penal Code (Articles 267, 268, 269 and 289) are currently deficient in nature and do not address the epidemic of sexual assault as well as rape. It also fails to address the rights of the survivors and their protection when submitting reports. While the Penal Code recently defined and addressed sexual harassment in the new amendment to Article 306, the amendment is insufficient in its scope and the article is limited in nature and only considers a crime sexual harassment if the intent is proven to be related to obtaining sexual benefits.

With the exception of the Tahrir mob-sexual assaults and gang rapes in June 2014 during the inauguration of President AbdelFattah ElSisi, no one has been held accountable for mob-sexual assaults and gang rapes committed since November 2012, and only a few individual cases of sexual harassment and sexual assault have had perpetrators held accountable in.

Finally, in the recent feast in July 2015 mob-sexual assaults and sexual harassment were rampant in the streets and in particular in downtown areas, despite the fact that there was a presence from the security forces and the Administration to Combat Violence against Women in venues of crowds, and according to the Director of the concerned Administration, 86 perpetrators were arrested.

Teachers are also subject to crimes of sexual violence, where incidents of sexual assault, rape and mob-sexual assaults have been documented by the media, including the rape of a teacher by a microbus driver and a friend of his on a desolate road in El'Amriya city, in addition to a teacher in a school in Giza governorate who was subjected to a mob-sexual assault by students whom she refused that they cheat on an exam. Teachers continue to suffer from sexual violence amid the lack of provision of safety measures for them, whether in places where they teach, or in transportation routes.

Accordingly, Nazra for Feminist Studies would like to make the following recommendations to the Egyptian government and the international community:

1. The Egyptian government must act in accordance with the standards of the UN Declaration on Human Rights Defenders and introduce national legislation to protect them from state and non-state actors, to recognize and enable their work.

2. The Protest and Public Assembly Law No. 107 issued in November 2013 needs to be revised, to allow the space for WHRDs to carry out their legitimate work in defending human rights, especially that this law is unconstitutional.

3. The Egyptian authorities need to immediately and unconditionally revoke the travel ban issued against WHRD Esraa Abdel-Fattah, and to publicly announce the names of human rights defenders, WHRDs and activists against whom a travel ban is issued, in addition to publicly announcing the reason behind the concerned bans and the legal basis on which they are issued, and whether there are any charges directed at them or not.

4. Reform the penal code to punish all forms of violence against women and ensure its implementation to ensure women's access to justice.

5. Enact the implementation of the holistic and comprehensive national strategy to combat violence against women that was publicly announced on May 7, 2015, and legislation, which should contain provisions for its effective implementation through gender budgeting, evaluation and monitoring, where a public committee would be formed that includes civil society members.

6. Announce national machinery institutions' mandates and actions taken in a systematic manner to combat violence against women, including the Forensic Medicine Administration and the Unit to Monitor crimes of violence against women, affiliated to the Ministry of Interior.

7. Investigate sexual violence violations committed against women since November 2012 and prosecute those responsible.

8. Enact legislation to mandate the regular collection of statistical data and research to ensure an adequate knowledge base for effective implementation and monitoring.

9. Call on the international community to push the Egyptian authorities to initiate a process that genuinely incorporates a transitional justice mechanism that holds real perpetrators accountable and both recognizes the important human rights activism conducted by WHRDs, and ensures their protection.